

## Message Text

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ORIGIN ARA-10

INFO OCT-01 ISO-00 OES-03 L-02 DLOS-03 COA-01 CIAE-00

INR-07 NSAE-00 RSC-01 DODE-00 CG-00 DOTE-00 IO-10

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DRAFTED BY ARA/BR:AFWATSON:NLF  
APPROVED BY ARA/BR:RWZIMMERMANN  
OES/OFA:BHALLMAN (INFO)  
L/OES:SBURTON (INFO)  
O/LOS:JNMOORE (INFO)

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P 242325Z JAN 75  
FM SECSTATE WASHDC  
TO AMEMBASSY BRASILIA PRIORITY  
AMCONSUL RIO DE JANEIRO

C O N F I D E N T I A L STATE 017817

E.O. 11652: GDS;

TAGS: EFIS, BR  
SUBJECT: NEGOTIATIONS ON SHRIMP FISHING AGREEMENT

1. BRAZILIAN EMBASSY DELIVERED FOLLOWING AIDE MEMOIRE  
TO THE DEPARTMENT JANUARY 24.

2. BEGIN TEXT: THE AMERICAN EMBASSY IN BRASILIA HAS  
PRESENTED TO THE MINISTRY OF EXTERNAL RELATIONS BY  
AIDE-MEMOIRE OF JANUARY 23RD, SOME POINTS RELATED TO THE  
FORTHCOMING RENEGOTIATION OF THE BRAZIL-U.S.A FISHING  
AGREEMENT.

3. THE EMBASSY HAS BEEN INSTRUCTED BY THE MINISTRY OF  
EXTERNAL RELATIONS TO TRANSMIT TO THE DEPARTMENT OF STATE  
THE FOLLOWING COMMENTS ON THOSE POINTS:

1) THE BRAZILIAN GOVERNMENT BELIEVES THAT IT WOULD  
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BE POSSIBLE TO CONCLUDE A NEW FISHING AGREEMENT ALONG

THE LINES IT HAS RECENTLY ADVANCED (CF. AIDE-MEMOIRE OF JANUARY 10 FROM THE EMBASSY TO THE DEPARTMENT OF STATE) WITH PRESERVATION OF THE JURIDICAL POSITION OF THE TWO PARTS, AS WAS DONE IN 1972, IN THE COURSE OF THE NEGOTIATION OF THE PRESENT AGREEMENT. THE DISCLAIMER CLAUSE DOES NOT LEAVE ROOM TO ANY INTER-

PRETATION OF THE PHASING-OUT AS IMPLYING THE FURTHER-  
ANCE OF A GIVEN NATIONAL POSITION ON THE MATTER.

2) THE BRAZILIAN GOVERNMENT IS NOT CONVINCED THAT THE ACCEPTANCE OF THE GRADUAL REDUCTION IN THE NUMBER OF VESSELS AUTHORIZED TO OPERATE IN BRAZILIAN WATERS, AIMING AT INDUCING THE CREATION OF JOINT-VENTURES FOR THE EXPLOITATION OF FISHERIES IN THOSE WATERS, WOULD NECESSARILY IMPLY THE RECOGNITION BY THE UNITED STATES OF THE BRAZILIAN POSITION OF SOVEREIGNTY OVER TWO HUNDRED MILES. IN FACT, THE REDUCTION IN THE NUMBER OF U.S. VESSELS MIGHT BE VIEWED BY THE UNITED STATES AS A CONSEQUENCE OF THE NECESSITY TO CONSERVE THE SPECIES UNDER EXPLOITATION.

3) CONSIDERED FROM THE POINT OF VIEW OF THE NEGOTIATIONS ON THE LAW-OF-THE-SEA, STILL IN PROGRESS, THE PHASING-OUT MECHANISM CAN BE SEEN AS JURIDICALLY NEUTRAL. IN EFFECT, ALL THE PRINCIPAL PROPOSALS ABOUT THE RIGHTS OF COASTAL STATES, E.G. "TERRITORIAL" (SOVEREIGNTY OVER 200 MILES), "PATRIMONIAL" (SOVEREIGNTY OVER THE RESOURCES) AND "PREFERENTIAL" (PREFERENCE FOR THE COASTAL STATE IN THE EXPLOITATION OF THE RESOURCES) CONTEMPLATE AS A PREROGATIVE OF COASTAL STATES THE GRADUAL OCCUPATION OF THE MARITIME SPACE ADJACENT TO THEIR COASTLINE BY THEIR OWN FISHING VESSELS, AND THE CONSEQUENT REDUCTION IN THE NUMBER OF VESSELS OF OTHER FLAGS. AS IT IS KNOWN, THE "PREFERENTIAL" CONCEPT WAS FORMALLY INTRODUCED BY THE U.S. DELEGATION DURING THE CONFERENCE ON THE LAW-OF-THE-SEA.

4) SHOULD THE UNITED STATES GOVERNMENT BE IN A  
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POSITION TO RECOGNIZE AS NEUTRAL FROM A JURIDICAL POINT OF VIEW, AS THE BRAZILIAN GOVERNMENT DOES, THE PHASING-OUT MECHANISM, THEN THE QUESTION OF THE RENEGOTIATION OF THE PRESENT AGREEMENT MAY BE OBJECTIVELY CONSIDERED. END TEXT.

4. PORTUGUESE TEXT FOLLOWS BY POUCH. INGERSOLL

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## Message Attributes

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